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June 2, 2022

VIA ECF

The Honorable Lorna G. Schofield
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Mateer, et al. v. Peloton Interactive, Inc.*, Case No. 1:22-cv-00740-LGS

Dear Judge Schofield:

Plaintiffs write to request that the Court lift the automatic stay on the time period for Defendant to file an Answer in the above-captioned action.

When Defendant filed its Letter Motion pertaining to its proffered motion to dismiss, this Court's Individual Rules and Procedures imposed an automatic stay on the time period for Defendant to file a responsive pleading until further order. During the conference on May 25th, Defendant was not granted leave to file its proffered motion to dismiss. Nevertheless, there has been no order in place pertaining to Defendant's time to file an Answer to the Complaint and, most importantly, to set forth specific affirmative defenses.

The parties have conferred on this subject over email and cannot reach an agreement as to when, if ever, Defendant is to answer the operative Complaint in light of the May 25th conference.

Plaintiffs are experiencing ongoing prejudice as a result of Defendant's refusal to answer the Complaint. The deadline to serve Requests for Production of Documents passed on May 27th and additional discovery deadlines are fast approaching. Plaintiffs are in the midst of discovery without knowing the full extent of Defendant's Affirmative Defenses.

It will not assist the Court, or benefit of the parties, to attempt to address the substantive legal issues in this case, at summary judgment or otherwise, without knowing what Defendant's Affirmative Defenses are, much less having discovery directed at them.

As a result, Plaintiffs respectfully request that the Court lift the automatic stay and enter an Order setting a deadline for Defendant to file its Answer to the operative Complaint.

Application **GRANTED IN PART**. By **June 17, 2022**, Defendant shall either (1) file an answer to the Complaint without prejudice to challenging the Complaint at a later date in a motion for judgment on the pleadings under Federal Rule of Civil Procedure 12(c), or (2) if Defendant instead intends to pursue a partial motion to dismiss prior to filing any answer, the parties' pre-motion letters shall be deemed the motion and opposition, except as to the venue challenge on Count 3. By **June 10, 2022**, Defendant shall file a reply letter to Plaintiffs' letter at Docket No. 37, not to exceed two pages, and the parties shall file a joint letter proposing a procedure to consider the venue challenge in light of the apparent factual issues.

Respectfully submitted,

/s/ Jason R. Bristol
Jason R. Bristol


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dated: June 6, 2022

New York, New York